THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 28-09-2005

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WRIT PETITION No.11169 OF 2005

Between:

D.Saibabu . . .Petitioner

And

The Commissioner of Endowments Department, Hyderabad, and others

. . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.11169 OF 2005

O R D E R:

The petitioner is working as Senior Assistant in Sri Durga Malleswara Swamy Varla Devasthanam, Vijayawada. The next higher post is Superintendent. There is only one post of Superintendent in the approved cadre of the Devasthanam. In the recent past, the vacancy that arose in the post of Superintendent was earmarked for S.C. (Women) in the roster. On the ground that the fourth respondent, who was also working as Senior Assistant, did not possess the requisite qualifications, respondents 1 and 2 promoted the third respondent, a Scheduled Caste male candidate, as Superintendent. Subsequently, the fourth respondent submitted a representation on 19-03-2005 for considering her case. Thereupon, the first respondent issued proceedings dated 04-05-2005 creating

a supernumerary post of Superintendent in the Devasthanam and promoting the fourth respondent as Superintendent against that vacancy. A further observation was made to the effect that the supernumerary post so created would cease soon after the regular vacancy arises in the establishment.

The grievance of the petitioner is that though there is one post earmarked for S.C.(Women), respondents 1 and 2 have appointed respondents 3 and 4 against the said vacancy and that the stipulation made in the order dated 04-05-2005 would have its effect on the next vacancy, to which, the petitioner and other similarly situated persons are entitled to be promoted.

Heard the learned counsel for the petitioner, the learned Government Pleader for Endowments and the learned counsel for the third and fourth respondents.

The writ petition has undergone several adjournments and in fact, at one point of time, the Government was required to clarify the basis for creation of such supernumerary posts etc. The necessity for this Court to delve deep into the matter is obviated on account of the subsequent development. It is represented that the Government invoked its *suo motu* power under Section 93 of the Endowments Act and suspended the order dated 04-05-2005 through its proceedings dated 25-07-2005. Thereby, the fourth respondent is disabled from functioning as Superintendent. It is stated that she has since been reverted to the post of Senior Assistant. In that view of the matter, the grievance of the petitioner substantially stands redressed for the present. It shall be open to him to put forward his contentions in the *suo motu* revision that is undertaken by the Government.

Hence, the writ petition is disposed of leaving it open to the petitioner to put forward all his contentions in the *suo motu* revision undertaken by the Government against the proceedings dated 04-05-2005 and the Government, in turn, shall take the same into account, while passing final orders in the revision.

(L.NARASIMHA REDDY, J)

28th SEPTEMBER, 2005.

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